IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2002 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/10/2004 in WPMP No.14219 of 2004 in WP NO : 11188 OF 2004 on the file of the High Court.)

Between:

1 Budde Venkatesham, S/o. Late Bal Raju,
R/o. 4-5-144, Jawahar Road, Nizamabad.
2 Budde Sridhar, S/o. Budde Venkatesham,
R/o. 4-5-144, Jawahar Road, Nizamabad.

..... APPELLANTS

AND

1 Kanugunta Sobha, W/o. K. Rajaiah,
R/o. Khalibadi, Madhuranagar, Adjacent to Pragathinagar, Nizamabad.
2 Kanugunta Sujatha, W/o. K. Prabhakar,
R/o. Khalibadi, Madhuranagar, Adjacent to Pragathinagar, Nizamabad.
3 Kanugunta Padmavathi, W/o. K. Krishna,
R/o. Khalibadi, Madhuranagar, Adjacent to Pragathinagar, Nizamabad.
4 Joint Collector, Nizamabad district, Nizamabad.
5 Mandal Revenue Officer, Nizamabad Mandal, Nizamabad District.
6 Bobbili Pedda Narasaiah, S/o. Late Chinnaiah,
R/o. 2-12-113, Bobbili Veedhi, Nizamabad.
7 Bobbili Chinna Narasaiah, S/o. Late Chinnaiah,
R/o. 2-12-113, Bobbili Veedhi, Nizamabad.
8 K. Sudershan, S/o. Yellaiah,
R/o. 5-5-23, Khaliwada, Nizamabad.

.....RESPONDENTS

Counsel for the Appellants: MR.J.KANAKAIAH

Counsel for the Respondent Nos.1 to 3: MR.M.V.S.SURESH KUMAR
Counsel for the Respondent Nos.4 and 5: The G.P. for Revenue
Counsel for the Respondent Nos.6 to 8: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

We do not see any ground to interfere with the order passed by learned single Judge suspending the operation of the order dated 6th May, 2004 passed by the Joint Collector, Nizambad District pending writ petition No.11188 of 2004.

Grievance of the learned counsel for the appellants is that the opposite party is taking advantage of the order of suspension in the civil suit pending between the parties, which ultimately had the effect of putting against the said order. Submission made by the learned counsel for the appellants has no force since the civil suit has to be decided on its own merits and mutation proceedings do not decide title. It only effects the recording of entries in the revenue records. Title has to be decided in a civil suit. In this view of the matter, we find no substance in the appeal.

Appeal dismissed.

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DEVINDER GUPTA, CJ

10-12-2004

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M.NARAYANA REDDY, J

Tvr

To

1. Joint Collector, Nizamabad district, Nizamabad.
2. Mandal Revenue Officer, Nizamabad Mandal, Nizamabad District.

3. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

4. 2 CD copies.